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PATENT APPLICATION DOCKET NO. CRT044US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION UNDER GRANTED PETITION TO MAKE SPECIAL

GROUP ART UNIT: 3621

EXAMINER: Backer, Firmin

INVENTOR(S): Triola, C.R.

SERIAL NO.: 09/833,390

CONF. NO.: 3769

FILED: April 11, 2001

SUBJECT: Method and Apparatus for Processing Escrow Transactions

AMENDMENT and REPLY TO FINAL OFFICE ACTION,
SUBMISSION UNDER 37 C.F.R. Sec. 1.114

TO: COMMISSIONER FOR PATENTS
POB 1450
Alexandria VA 22313

RECEIVED

OCT 03 2003

GROUP 3600

This paper is filed with a REQUEST FOR CONTINUED EXAMINATION. No new matter is added to the application by the amendments made hereinafter. Applicant hereby requests reconsideration based on the following amendments and remarks regarding objections and rejections enumerated in the Office Action. In accordance with the notice "REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED, effective July 30, 2003, the MPEP and 37 CFR, following are:

- (A) INTRODUCTORY COMMENTS,
- (B) AMENDMENTS TO THE SPECIFICATION,
- (C) AMENDMENTS TO THE CLAIMS,
- (D) REMARKS, including DRAWING AMENDMENTS, if any.

1 **(A) INTRODUCTORY COMMENTS**

2
3 (1) An Advisory Action was mailed on 09 September 2003 following an Amendment Under
4 Rule 116 filed by facsimile transmission on 12 August 2003 which in turn was in response to a
5 Final Office Action mailed on 28 July 2003, having a three (3) month period for response. This
6 RCE is therefore filed before the expiration of the second month of the three month period for
7 response; no extension of time is required.

8
9 (2) The Advisory Action makes no indication under Para. 7 with respect to the Rule 116
10 proposed Amendment, *supra*. Applicant respectfully submits this Amendment under 37 CFR
11 1.114 assumes that said Rule 116 Amendment was NOT entered as would normally be
12 expected in view of the Advisory Action's cursory dismissal of the Amendment and the grounds
13 stated in Para. 5 of the Advisory Action, *inter alia*:

14
15 "Applicant (sic, "s") argument is not persuasive and the claims have not been placed in
16 condition for allowance. Furthermore. (sic; (not a sentence)) The proposed amendmens
17 (sic, "amendments") are based on limitations that have already been rejected."

18
19 As will be made clear by the Remarks, the amendments made previously and those made
20 hereinbelow are not based on any teaching of U.S. Patent No. 6,304,860 by Martin et al. for an
21 "AUTOMATED DEBT PAYMENT SYSTEM AND METHOD USING ATM NETWORK,"
22 previously cited (more simply "Martin" hereinafter). The Rule 116 Amendment was
23 accompanied by further, extensive argument as to the immateriality and irrelevancy of the
24 Martin et al. reference; therefore, it is applicant's continuing contention that the "limitations that
25 have already been rejected" were improperly rejected when one considers the true lack of merit
26 of the reference. Extensive, cogent arguments are also made hereinafter; for the convenience
27 of the Examiner, some of the prior arguments are also included, but many of the Remarks below
28 are supplemental to prior arguments to aid understanding the clear, evidentiary-supported,
29 distinctions between Martin et al. and the present invention. The Amendments made herein are
30 to try to clarify the applicant's entirely different field of technology, different functions, features
31 and elements, different methods, and different apparatus of the present invention from the
32 misinterpreted Martin reference.

1 (3) Submitted herewith are two forms PTO-1449. One is a copy of a previously submitted
2 form re "BISBEE." The second is a newly submitted form, with fee paid, related to PCT
3 prosecution being conducted by different, non-affiliated, counsel than the undersigned. As is
4 his right, applicant respectfully requests a return copy of all three forms, with appropriate
5 consideration, initialing, and sign-off by the Examiner.